

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

**Th.10.d**

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Commission Action:	

## **STAFF REPORT: APPEAL SUBSTANTIAL ISSUE DETERMINATION Caltrans Operational Improvements 7 & 8**

APPEAL NUMBER:	<b>A-3-MCO-00-010, Caltrans Operational Improvements 7 &amp; 8</b>
LOCAL GOVERNMENT:	MONTEREY COUNTY
DECISION:	Approved with conditions, January 11, 2000
APPLICANT:	Caltrans, District 5; Attn: Gary Ruggerone
APPELLANTS:	Citizens for Hatton Canyon, Attn: Christine Gianoscol
PROJECT LOCATION:	Vicinity of Highway 1/Ocean Avenue intersection and Mesa Drive/Highway 1 intersection; Carmel Area of Monterey County.
PROJECT DESCRIPTION:	Operational Improvement #7 to extend 180-foot long right turn lane southbound Highway 1 to westbound Ocean Avenue; Operational Improvement #8 to extend 1,200-foot long merge lane southbound Highway 1 south of eastbound Ocean Avenue.
FILE DOCUMENTS:	Administrative Record for Monterey County Coastal Development Permit PLN 990269; Monterey County Board of Supervisors Resolution # 00-23; Monterey County Certified Local Coastal Program; Carmel Area Land Use Plan

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### **1. EXECUTIVE SUMMARY**

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. Staff has determined that Resolution # 00-23, which includes 12 special conditions established by the Planning Commission, January 11, 2000, conforms to the standards set forth in the Monterey County Certified Local Coastal Program, which includes the Coastal Implementation Plan Part 4 – Regulations for Development in the Carmel Area Land Use Plan.

The project is located in the southbound right-of-way of California State Highway 1 in the vicinity of the Ocean Avenue/Highway 1 intersection, in an unincorporated portion of Monterey County, just east of the City of Carmel-By-The-Sea. The project area extends from approximately 280 feet (85 meters) north of the Ocean Avenue/Highway 1 intersection to approximately 230 feet (70 meters) south of the Mesa Drive/Highway 1 intersection, within the Carmel Area segment of the Coastal Zone. In this area, the California State Highway 1 narrows from a four-lane undivided highway between Carpenter Street and Ocean Avenue to a two-lane undivided highway between Ocean Avenue and Mesa Drive. The land use designation for the area adjacent to the west side of Highway 1 is single-family residential.

The project includes two operational and drainage improvements: 1) Operational Improvement 7 (Imp. 7) – 100 foot northward extension of the existing 180-foot long right-turn lane from southbound Highway 1 to westbound Ocean Avenue; and 2) Operational Improvement 8 (Imp. 8) – 500 foot southward extension of the existing 1,200-foot long merge lane on southbound Highway 1 south of Ocean Avenue.

An earlier version of this permit included Operational Improvement # 9 – a 200-foot long extension of the eastbound Carpenter Road to southbound Highway 1 lane and removal of 5 Coast Live Oak trees. Caltrans eliminated Operational Improvement #9 from the current permit following an earlier appeal of the project at the Planning Commission level.

Operational Improvements 7 and 8 are two of a total of twelve operational improvements that were developed by Caltrans and the Transportation Agency for Monterey County (TAMC) to provide interim traffic congestion relief along Highway 1 in the Carmel area. These two operational improvements will provide additional storage for southbound vehicles turning west onto Ocean Avenue (Imp. 7) and for vehicles merging from two lanes to one lane south of Ocean Avenue (Imp. 8).

The appellants contend that the project does not comply with the Monterey County Local Coastal Program (LCP) policies regarding public noticing regulations, scenic road provisions, visual resources, forest resource protection, water and marine resources, air quality and community welfare. The full appeal is attached as Exhibit 3.

As discussed in the substantial issue section of this report the approved project has been found to conform to applicable regulations for development in the Carmel Land Use Area, and is therefore consistent with the policies of the Monterey County LCP. The project has been designed and conditioned to minimize impacts to forest resources and to protect the existing scenic and visual resources of Highway 1 through the Carmel area. The additional storage provided by the project will improve traffic flow within the project area and thereby improve air quality. Drainage improvements are designed to protect water and marine resources and road widening will improve safety for residents with driveways adjacent to Highway 1. Staff is recommending, therefore, that the Commission find that no substantial issue is raised by the approved project.

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### 3. LOCAL GOVERNMENT ACTION

The applicant, Caltrans, originally filed a CDP application (PLN990269) with the Monterey County Planning Commission for a Combined Coastal Development Permit (CDP) and Design Approval for three operational and drainage improvements along Highway 1 in the Carmel area. The earlier combined CDP (PLN990269) included: 1) Operational Improvement 7 – extend a 180-foot long right turn lane southbound Highway 1 to westbound Ocean Avenue; 2) Operational Improvement 8 - extend a 1,200-foot long merge lane on Highway 1 south of Ocean Avenue; and 3) Operational Improvement 9 - extend a 200-foot long eastbound storage lane at Carpenter Road and Highway 1. These improvements are included in a list of 12 traffic congestion relief improvements planned for the Carmel area by Caltrans and the Transportation Agency for Monterey County (TAMC). Operational Improvement 9 involved the removal of five (5) Coast Live Oaks and grading of approximately 115 cubic yards; Operational Improvements 7 and 8 involved grading of approximately 785 cubic yards and require no tree removal. As part of the earlier CDP application, Caltrans prepared a Negative Declaration and a separate Finding of No Significant Impact (FONSI) in September 1997, as well as an updated cumulative impact analysis addendum dated June 1999, which addresses the cumulative impacts of these operational improvements in relation to the other operational improvements listed by TAMC.

The Planning Commission, having denied a similar request PLN980142 on August 12, 1998, denied PLN990269 on September 29, 1999. The Planning Commission's denial was based on findings that 1) Operation Improvements 7, 8, and 9 would not provide a solution to existing traffic congestion and safety, and 2) environmental analysis did not adequately address cumulative impacts of all operational improvements.

Caltrans subsequently appealed the Planning Commission's recent denial of the project to the Monterey County Board of Supervisors on November 1, 1999, and submitted a modified version of CDP PLN990269 that included only Operational Improvements 7 and 8. Caltrans eliminated Operational Improvement 9 in order to address site specific and cumulative environmental impact issues related to tree removal and visual sensitivity at the Carpenter Street site. The Board of Supervisors then conducted a *de novo* hearing on January 11, 2000, to consider the Caltrans appeal and the modified version of PLN990269 for Operational Improvements 7 and 8. The Board of Supervisors subsequently approved the Combined Coastal Development Permit for the project with Resolution # 00-23, subject to 12 special conditions of approval, and adopted the Negative Declaration and cumulative impact section addendum/update. A copy of the Board of Supervisors Resolution # 00-23 is included in Exhibit D.

The Board of Supervisors Resolution # 00-23 was then appealed to the Coastal Commission by the Citizens for Hatton Canyon, with representation by Attorney Christine Gianoscol, February 14, 2000.

### 4. APPEAL PROCEDURES

The grounds for appeal to the California Coastal Commission under section 30603 of the California Coastal Act are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section

30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30603(a)(5) allows for appeals of any development that constitutes a major public works project.

## 5. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

**MOTION:**     *I move that the Commission determine that Appeal No A-3-MCO-00-010 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION:**

Staff recommends a **Yes** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **RESOLUTION TO FIND NON-SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. **A-3-MCO-00-010** does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## 6. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

### 6.1 Project Location and Description

The project is located in the right-of-way of California State Highway 1 in the vicinity of the Ocean Avenue/Highway 1 intersection, in an unincorporated portion of Monterey County, just east of the City of Carmel-By-The-Sea. Ocean Avenue is the main road that leads west from Highway 1 to the City of Carmel. It is also one of four intersections along Highway 1 in the Carmel area that are

controlled by traffic signals along Highway 1, the others being Carpenter Street to the north and Carmel Valley Road and Rio Road to the south (see Exhibits A and B). The project area extends along southbound Highway 1, from approximately 280 feet (85 meters) north of the Ocean Avenue/Highway 1 intersection to approximately 230 feet (70 meters) south of the Mesa Drive/Highway 1 intersection. The project area is located within the Carmel Area segment of the Coastal Zone in Monterey County.

The existing California State Highway 1 is a four-lane undivided highway between Carpenter Street and Ocean Avenue and narrows to a two-lane undivided highway between Ocean Avenue and Mesa Drive. Surrounding land uses adjacent to the project area include the Carmel High School, southeast of the Ocean Avenue/Highway 1 intersection and single family residential units on both the east and west side of Highway 1. A major commercial area is located southeast of the project area between Carmel Valley Road and Rio Road.

The projects subject to this appeal include two operational and drainage improvements: 1) Operational Improvement 7 (Imp. 7) – 100 foot northward extension of the existing 180-foot long right-turn lane from southbound Highway 1 to westbound Ocean Avenue; and 2) Operational Improvement 8 (Imp. 8) – 500 foot southward extension of the existing 1,200-foot long merge lane on southbound Highway 1 south of Ocean Avenue. Each operational improvement will require road widening and re-striping for the lane extensions and includes grading of approximately 785 cubic yards. All work will be performed within the existing State Highway right of way so that no additional right of way will be required for these operational improvements. Roadwork required for each operational improvement is listed in Table 1.

These two operational improvements are intended to improve traffic congestion in the existing highway corridor by providing additional storage for southbound vehicles turning west onto Ocean Avenue (Imp. 7) and for vehicles merging from two lanes to one lane south of Ocean Avenue (Imp. 8). As proposed under Imp. 8, the two Highway 1 southbound lanes will taper into one lane approximately 230 feet (70 meters) south of Mesa Drive. The existing merge lane south of Ocean Avenue currently crosses two driveways that exit directly onto Highway 1. As proposed, the 500-foot extension of the merge lane south of Ocean Avenue will cross up to seven (7) driveways that currently exit directly onto Highway 1. The existing driveways are generally narrow, and cross over a roadside ditch that parallels the Highway. The project proposes to put the roadside drainage into one continuous culvert, grade and fill the ditch, and widen the existing narrow driveways to standard widths to better enable ingress/egress and traffic safety for the residents at these locations.

Currently, Highway 1 is constrained south of Mesa Drive by existing embankments on either side of the road, and rock outcroppings along the west side of the road. Because of physical constraints of the site, the project has been designed to maximize storage lengths while minimizing impacts to existing vegetation and driveways along the west side of the highway.

Within the project area, existing traffic lanes vary from 12 to 16 feet (3.6 to 4.8 meters), and the typical shoulder width in the area is 4 feet (1.2 meters). Typical plan sheets for the project (Exhibit C) indicate that existing lane widths at both locations are currently 12 feet (3.6 meters) wide with a typical shoulder width of 4 feet (1.2 meters). The project will not increase the existing lane widths, but will continue to provide 4-foot wide shoulders, which also serve as bike lanes at both locations. Standard lane and shoulder widths are 12 feet and 8 feet, respectively. According to Caltrans Initial Study, the project was granted a design exception in 1995 to maintain the existing 12-foot lane

width and 4-foot (1.2 meter) shoulder width in areas where such conditions currently existed in lieu of the standard 8-foot (2.4 meter) shoulder width. This design exception was granted in order to minimize impacts to existing vegetation and driveways along the west side of Highway 1.

**Table 1. Roadwork proposed for Operational Improvements 7 and 8.**

Roadwork Proposed	Operational Improvement 7	Operational Improvement 8
Description	Extend the existing right turn pocket from southbound Highway 1 onto westbound Ocean Avenue	Extend the two-lane southbound section of Highway 1, south of Ocean Avenue and taper back to one lane just north of Mesa Drive
Extension Length	100 feet	500 feet
Area of Widening	0.02 acres	0.32 acres
Area of Asphalt Concrete Overlay	None	1.45 acres
Earthwork	Excavation – 60 cubic yards Embankment – 1.3 cubic yards	Excavation – 955 cubic yards Embankment – 350 cubic yards
Drainage Pipe	None	935 feet
Asphalt Concrete Dike	110 feet	315 feet
Tree Removal	None	None

## 6.2 Project Background

As provided for in the Monterey County Congestion Management Plan (CMP), the purpose of the State Highway 1 operational improvements is to provide incremental improvements for traffic congestion relief and public safety. Earlier efforts for reducing traffic congestion in the Carmel Area included a possible alternative alignment for Highway 1 through Hatton Canyon. However, the Hatton Canyon Freeway has been removed as a possible alternative route and so is no longer a viable long-term solution to the congestion and safety problems associated with Highway 1 in the Carmel area.<sup>1</sup> Caltrans notes that the next opportunity to program long-term congestion relief projects on Highway 1 will be in the 2002 State Transportation Improvement Program (STIP).

<sup>1</sup> (In April 1999, the Transportation Agency of Monterey County (TAMC) redirected funds previously allocated to the Hatton Canyon Highway Improvement Project to the Highway 101-Prunedale Bypass Project. Without funding from TAMC, the Hatton Canyon Highway Improvement Project is unlikely to be developed by Caltrans).



Caltrans representatives have stated that the proposed operational improvements are not intended to completely solve the traffic congestion and safety issues, but rather to provide incremental improvements to these problems while a long-term solution is developed and implemented.

The operational improvements at issue in this appeal are two of a total of twelve operational improvements that were developed by Caltrans and the Transportation Agency for Monterey County (TAMC) to provide interim traffic congestion relief along Highway 1 in the Carmel area. The 12 operational improvements identified by Caltrans and TAMC are listed in Exhibit G. According to Caltrans, seven of the 12 improvements are minor improvements designed to provide additional storage at existing turn lanes and merge lanes at the four signalled Highway 1 intersections in the Carmel area (Carpenter Street, Ocean Avenue, Carmel Valley Road and Rio Road). Three of the operational improvement projects include additional through lanes on northbound Highway 1 and one operational improvement involved the replacement of the Carmel River Bridge. The remaining operational improvement involved locating a park and ride lot near Rio Road.

Three of the twelve operational improvements have already been approved: Operational Improvement #1 – Carmel River Bridge replacement, completed in 1995; Operational Improvement #3 – dual left turn channelization at the Carmel Valley Road, approved by Monterey County Planning Commission in April 1996 and completed in November 1996; and most recently, Operational Improvement #5 – dual right turn lane at Carmel Valley Road, approved by the Board of Supervisors in February, 2000. Additionally, two of the operational improvements (Imp 2 and 6) have been removed due to required impacts to on-street parking.

As described above (in Section 3), an earlier version of the currently proposed project included Operational Improvement 9 - an extension of a 200-foot long storage lane of eastbound Carpenter Street at the Highway 1 intersection (Operational Improvement 9). However, Caltrans has since eliminated Operational Improvement 9 due to required tree removal impacts. (As described above, Operational Improvement 9 included the removal of 5 Coast Live Oaks and 115 cubic yards of grading.)

In hearing the earlier version of this project, the Monterey County Planning Commission previously ruled that the twelve operational improvements should be considered a single “project”. However, Caltrans contends that since each operational improvement does not require completion of the other to be viable, and that what has been referred to by the appellants as the “Operational Improvement Project” is actually made up of twelve separate and independent operational improvement projects, each with separate and independent utility. Caltrans notes that these operational improvement projects are “stand alone” projects, each with logical termini and independent utility, and none of the projects listed require the completion of any other improvement to provide the intended transportation benefit.

With regard to this appeal, the project approved by the Board of Supervisors January 25, 2000 includes Operational Improvements 7 and 8 only. Caltrans contends that with the elimination of Operational Improvement 9 at this time, there are no cumulative environmental impacts, except for insignificant noise impacts (see Substantial Issue Analysis below).

## 6.3 Substantial Issue Analysis – Consistency with Local Coastal Program

### 6.3.1 APPELLANT'S BASIS FOR APPEAL

The appellants contend that the project is inconsistent with LCP policies related to noticing of public hearings, comprehensive review, scenic roads, visual resources, environmentally sensitive habitats and forest resources, water and marine resources, flood hazards, air quality, and general community welfare. The full appeal is attached as Exhibit F. Caltrans response to these contentions is included in Exhibit G. The following sections provide an analysis of the projects conformance with policies of the Monterey County Local Coastal Program and regulations for development in the Carmel Area of the Coastal Zone.

### 6.3.2 IMPROPER NOTICING OF COUNTY ACTION

#### 6.3.2.1 Appellant's Contention

The appellant contends that improper notice was given to area residents regarding Monterey County hearings on the application and state that the list provided by Caltrans for such purposes was incomplete because it showed no cities or towns. The appellants refer to a known case where one person who resides outside of the local area did not receive notice. The applicants contend that the matter should be remanded back to the Monterey County Board of Supervisors for rehearing upon proper notice.

#### 6.3.2.2 Relevant LCP Policy

Chapter 20.84 of the Coastal Implementation Plan contains LCP policies for public hearings. Section 20.84.060 in this chapter makes it clear that the applicant is responsible for providing a complete list of all names, addresses, and assessor's parcel numbers for all property owners and residents within 300 feet of the property as part of a CDP application. Other relevant public noticing policies include the following:

*CIP Section 20.84.030. Any action to approve or deny any application for a discretionary permit by an Appropriate Authority, including the Board of Supervisors, shall require that a public hearing be held and notice given ...*

*CIP Section 20.84.040 A.1. Notice of the public hearing shall be mailed or delivered at least 10 days prior to the public hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.*

*CIP Section 20.84.040. A.3. Notice of public hearing shall be mailed or delivered at least 10 days prior to the public hearing to all owners and legal residents of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the public hearing, and all persons who have requested, in writing, notices relating to coastal permits, the Coastal Commission, and interested public agencies...*

*CIP Section 20.84.040. A.5. In-lieu of utilizing the assessment roll, the County may utilize*

*records of the County Assessor or County Tax Collector which contain more recent information than the assessment roll.*

*CIP Section 20.84.040. B. the failure of any person or entity to receive notice given pursuant to this Title shall not constitute grounds for any court to invalidate the action on any permit pursuant to this Title for which notice was given (GC 65093).*

CIP Section 20.86.060 also requires that notice of public hearings on appeals must also be provided according to the policies in Chapter 20.84 above.

### **6.3.2.3 County Actions**

The Board of Supervisors Resolution # 00-23 notes that the current project was first heard by the Planning Commission at a public hearing on September 29, 1999. Caltrans filed a timely appeal of the Planning Commission's denial to the Board of Supervisors on November 1, 1999. The appeal was heard and approved by the board of Supervisors at a public hearing on January 11, 2000.

### **6.3.2.4 Analysis**

The public notification list completed for the project was compiled based on current assessor parcel maps, as allowed for by the LCP, and included complete addresses for all property owners and occupants. In their response to the current appeal, Caltrans states that they provided the County with stamped and addressed envelopes for each property owner and occupant where applicable. Caltrans also states that stamped and addressed envelopes were provided for both addresses for those residents that were found to have different mailing and property addresses. The resident specifically referred by the appellant was included on the notification list and a stamped addressed envelope with the resident's Fresno address was provided to Monterey County for noticing.

Additionally, the project has been under consideration by Monterey County since 1998, has been heard by twice by the Carmel Area advisory Committee, twice before the Planing Commission and once before the Board of Supervisors. These public hearings have provided the public numerous opportunities to review and comment on the proposed project.

### **6.3.2.5 Conclusions**

Commission finds that no substantial issue exists with regard to public notification. Caltrans did provide the County with a list of property owners and occupants collected from the assessors parcel maps, as allowed by the LCP, and did provide the County with the materials required for proper public notice. As such, the public notification of the project was conducted in conformance with LCP policies.

## **6.3.3 NEED FOR COMPREHENSIVE REVIEW**

### **6.3.3.1 Appellant's Contention**

The appellants contend that these improvements must be evaluated in the context of the entire Operational Improvements Project, which includes a group of 12 operational improvements. The appellants contend that the operational improvements included in this permit are "...part of a larger

single “project,” ...which as a whole has numerous potentially significant impacts on coastal resources.” The appellants contend that as a whole, the group of operational improvement projects has not been subject to full environmental review as required by CEQA nor full evaluation under the Coastal Act. The appellants further contend that together, these 12 Operational Improvements would result in a near-continuous widening of Highway 1 from the Carmel Valley Road intersection north to the Highway 68 interchange.

### **6.3.3.2 Relevant LCP Policy**

The Monterey County LCP has no directly relevant CEQA policy. However, Section 13096 of the California Code of Regulations requires that a specific finding be made that Coastal Development Permit applications are consistent with the California Environmental Act (CEQA).

### **6.3.3.3 County Actions**

Finding # 3 of the earlier decision of the Planning Commission (pg 2 of Resolution #99054) found that these operational improvements were part of a single project that includes a total package of 12 operational improvements proposed by Caltrans along the existing alignment of State Highway 1 in the Carmel area. However, Finding # 3 of the Board of Supervisors overruling decision (pg 4 of Resolution 00-23) found that the localization of potential adverse impacts, existing conditions and the amount of time between implementation of the operational improvements would prohibit a reasonable assessment and evaluation of the 12 proposed operational improvements as one project. The staff report prepared for the Board’s hearing also noted that following review of the appeal arguments presented by Caltrans, County staff concurred with Caltrans’ contentions that:

*...each improvement which is part of the total project (12 improvements) are separate and independent, and do not require completion of the other operational improvements to be viable. Therefore, environmental analysis of only Improvements 7 and 8 is appropriate.*

Finding #2 of the Board of Supervisor’s overruling decision (pg 3 of Resolution 00-23) found that the Negative Declaration/FONSI statement, prepared in September 1997 and cumulative impact section addendum prepared in June 1999, is in accordance with the California Environmental Quality Act and the National Environment Protection Act. The Board of Supervisor’s found that the Negative Declaration and impact section addendum adequately addresses the project, and, with the proposed mitigations, reduces all impacts to a less than significant level.

Finding # 3 (pg 4 of Resolution 00-23) found that Caltrans assessed cumulative impacts of the project and determined that Operational Improvements 7 and 8 would not have a significant impact on the environment. The finding notes:

*...Caltrans determined that impacts associated with [operational improvements 7 and 8] are localized at existing intersections and will be minimal. Caltrans does not predict that these improvements will create significant cumulative adverse impacts when considered with the other nine operational improvements...*

With regard to the other operational improvements, Finding # 3 goes on to note that:

*...Four of the twelve Operational Improvements do have cumulative visual impacts*

*considered to be significant. These impacts will be addressed in an EIR/s and do not include Operational Improvements 7 [or] 8. Minor short-term impacts on noise and traffic are expected for Operational Improvements 7 [and] 8. However, the cumulative construction impact associated with the two-month construction period will not be a significant cumulative construction impact.*

#### **6.3.3.4 Analysis**

As described previously, the group of 12 Operational Improvements was developed by Caltrans and TAMC as potential interim improvements along the existing Highway 1 alignment near Carmel. Each of the 12 operational improvements proposed for Highway 1 in the Carmel area are intended to provide localized congestion relief and are not dependent on any other improvement for their construction or viability.

Three of the twelve operational improvements have already been approved to date and two have been completed, including Operational Improvement 1 - Carmel River Bridge replacement, completed in June 1995, and Operational Improvement 3 – the dual left turn at Carmel Valley Road, completed in November 1996; Operational Improvement 5 – the dual right turn lane at Carmel Valley Road was approved in February 2000.

Operational Improvements 7 and 8 will have no environmental impacts except for short term noise and traffic impacts (which are discussed in Section 6.3.9 below). The two improvements proposed under this project are designed to provide congestion relief at specific locations along Highway 1 and are not dependent on the implementation of any other improvements to be viable.

The approval of operational improvements 7 and 8 will not prejudice any future action that may be taken on the other operational improvement projects. Additionally, the other operational improvements will have separate CEQA review and so will be evaluated independently of these improvements. As no significant impacts are expected for operational improvements 7 and 8 other than minor short-term noise and traffic impacts, this project will not add to any cumulative impacts associated with the other operational improvements.

#### **6.3.3.5 Conclusions**

Commission finds that no substantial issue exists with regard to the need for comprehensive review of all twelve operational improvements prior to authorization of the coastal development permit for operational improvements 7 and 8. Operational improvements 7 and 8 are stand alone projects that do not require the implementation of any other components for their viability, will not have any long term or cumulative impacts and will not prejudice any future actions with regard to any of the other operational improvements planned for Highway 1 in the Carmel area.

### **6.3.4 SCENIC ROAD PROVISIONS**

#### **6.3.4.1 Appellant's Contention**

The appellants contend that the project is inconsistent with the scenic road and highway provisions of the LCP. The appellants refer to specific LCP policies, which include Monterey County CIP Section 20.146.100 and Carmel Area LUP Sections 2.2.5 and 3.1. The appellants make the

following contentions with regard to scenic road provisions:

- 1) The project will "...facilitate the expanded use of Highway 1 as a major thoroughfare for non-coastal priority uses and degrade the quality and enjoyment of the scenic driving experience."
- 2) Reports prepared for the project by Caltrans "...fail to contain adequate assessments of the estimated amounts and types of traffic to be generated, assessments of impacts to service level and safety, provision of adequate mitigation or cost information."
- 3) "Further action on any component of the Operational Improvements Project should be suspended until a comprehensive management plan for the Scenic Corridor has been developed and implemented..." in accordance with Carmel LUP Section 2.2.5, which calls for the County and State Department of Parks and Recreation to develop such a plan.
- 4) Operational Improvement 8 "...will interfere with this segment of Highway 1 as a bike route," by reducing the width of the shoulder.

#### **6.3.4.2 Relevant LCP Policy**

Relevant LCP policies for Scenic Road and Highway provisions include the following:

*CIP Section 20.146.100. Transportation Development Standards....It is the intent of this section for Monterey County to take a strong and active role in guiding future use and development of Highway 1 and all categories of land use related to and dependent on the highway and to see that State Route One south of the Carmel River remains a two-lane highway.*

*A.1. To conform to the Coastal Act, most remaining highway capacity shall be reserved for coastal priority uses: recreation and visitor-serving facilities, agriculture, and coastal-dependent industry....(Ref. Policy 3.1.3.1)*

*A.2. All highway improvements shall be consistent with the retention of Highway 1 as a scenic two-lane road south of the Carmel River. Bike lanes and left turn lanes are permitted. Such improvements are to be consistent with the State Scenic Highways Standards. (Ref. Policy 3.1.3.5)*

*A.3. The number of private roads and recreational access road entrances off of Highway 1 shall be limited wherever possible for traffic safety and management purposes. (Ref Policy 3.1.3.6)*

LUP Section 2.2.5 lists recommended actions designed to protect visual resources in the Carmel area. The reference made by the appellant's contention relates to the following policy:

*Section 2.2.5.1. A management plan for the Scenic Road corridor should be prepared by the County and the State Department of Parks and Recreation in cooperation with the City of Carmel and Carmel Point Community....*

LUP Section 3.1.1 provides an overview of the Public transportation system in the Carmel area and, among other things, notes the following:

*The limited capacity of Highway 1 to accommodate local and recreation traffic at a level that affords reasonable service and emergency use as well as an enjoyable scenic recreational experience is a major concern. Traffic volumes along sections of Highway 1 are at or approaching capacity during peak use periods, and future demand is expected to exceed the capacity of Highway 1. The ultimate capacity will be a major constraint on the long-range development of the Carmel area south of the Carmel River. Highway capacity north of the [Carmel] river may be increased through improvements or alternate alignments such as the proposed Hatton Canyon Freeway."*

#### **6.3.4.3 County Actions**

Finding #1 (pg 3 of Resolution 00-23) states that the proposed operational improvements 7 and 8 will not result in negative impact on the surrounding forest resources or degrade the scenic road corridor of State Highway 1. Condition #9 (pg 8) requires special measures be taken to protect existing trees located close to construction (Exhibit D).

#### **6.3.4.4 Analysis**

Highway 1 is designated as the State's first Scenic Highway and is the main north-south access route in the Carmel area. It traverses the length of the Carmel segment of the Monterey County Coastal Zone and connects the Monterey Peninsula with the Big Sur area and points south. According to the Initial Study, the existing scenic corridor between Carpenter Road and Rio Road is lined with dense, mature Monterey pines, Coast live oaks and Monterey cypress that creates the feeling of driving through a forested area. The project will not change or diminish the scenic resources along the corridor as no trees are proposed for removal in the area of Operational Improvement 7 or 8.

According to the Carmel Area LUP, use of Highway 1 south of the Carmel River is predominantly recreational. However, where Highway 1 traverses between Carpenter Road and Rio Road in the vicinity of Carmel, local residential and visitor use have a major impact on traffic congestion. Operational improvements 7 and 8 are designed to improve traffic flow through the Ocean Avenue/Highway 1 intersection during peak hours, and thereby improve traffic conditions for all coastal dependant uses, which include recreation and visitor-serving, agriculture, and coastal-dependent industry.

While the Carmel Area LUP, certified in 1983, refers to the Hatton Canyon Freeway as a potential alternative transportation route around the Carmel Area, the Transportation Agency for Monterey has since redirected funding for this route as a bypass for Highway 1 traffic around the Carmel area.

According to the Initial Study prepared by Caltrans in September 1997, traffic demand exceeds capacity and results in significant traffic congestion during peak periods and weekends. Due to the continued increase in traffic demand, the peak traffic period extends up to 14 hours per day. Traffic capacity problems escalate on weekends and during summer months when recreational and scenic driving use increases. During summer months, when tourism is at its peak, the ADT can be increased by 20%. Caltrans assessment of traffic demand was based on Average Daily Traffic (ADT) volumes measured in the Carmel Area along Highway 1 in 1996 and year 2000 traffic forecasts for Highway 1 were made based on data provided by the Transportation Agency for Monterey County. Average Daily Traffic (ADT) volume on Highway 1, between Carpenter Road

and Ocean Avenue was 54,000 vehicles per day. Between Ocean Avenue and Carmel Valley Road, ADT volumes were measured at nearly 50,000, and north of the Highway 1/Highway 68 interchange, ADT volumes were measured at nearly 58,000 vehicles per day. Traffic forecasts included in the 1997 Initial Study for Highway 1 without the Hatton Canyon Freeway expected an increase of approximately 1 to 2 percent by the year 2000. Furthermore, the County's September 8, 1999 staff report notes that excess demand, limited road capacity, lack of alternative routes and local traffic signals contribute to the corridor's functional inadequacy. According to traffic safety information from the Initial Study, the accident rate in the two-lane segment of Highway 1 is also more than twice the accident rate of the four-lane section of Highway 1.

The project itself will not generate additional traffic to Highway 1. The operational improvements are intended to reduce traffic congestion along Highway 1 in the Carmel area. These improvements are consistent with retaining Highway 1 as a scenic two-lane road south of the Carmel River.

Operational Improvements 7 and 8 are not intended to provide significant increased capacity, but are intended to benefit the travelling public by providing minor improvements at specific Highway 1 intersections. As designed, Operational Improvement 7 will lengthen the existing southbound right hand turn lane onto westbound Ocean Avenue, thereby separating traffic turning on Ocean Avenue from the two-lane through traffic on Highway 1. Operational Improvement 8 will extend the length of the southbound merge lane south of Ocean Avenue, thereby reducing the frequency of peak period traffic back-ups in into the Ocean Avenue intersection. Operational Improvement 8 will also improve drainage and safety south of Ocean Avenue by removing the existing roadside ditch, widening driveway entrances for improved driveway access, and by improving the shoulder along the merge lane which will facilitate right-turns from southbound Highway 1 to westbound Mesa Drive, as well as right-turns from eastbound Mesa Drive to southbound Highway 1.

As described above, the project will not remove any forest resources along the Highway 1 corridor, therefore the project does not require that a Scenic Corridor Plan be developed prior to implementation of Operational Improvements 7 and 8.

As proposed, the width of the shoulders along southbound Highway 1 will be 4 feet (1.2 meters), which is equivalent to with what currently exists, and will therefore not interfere with the current use of this segment of Highway 1 as a bike route. The wider reach of paving and re-striping involved in the extension of the Operational Improvements 7 and 8 will actually increase bicycle safety in the project area by removing the hazard created by the existing roadside ditch and by better defining vehicle and bicycle travel lanes.

The Initial Study for the project does include information on project costs and mitigation measures for short-term noise and construction impacts, water quality protection and forest resources protection.

#### **6.3.4.5 Conclusions**

Commission finds that no substantial issue exists with regard to scenic road provisions. As conditioned, the project approved by the County conforms with LCP policies and will have no impact on scenic road corridor along Highway 1 in the Carmel area.



### 6.3.5 VISUAL RESOURCES PROVISIONS

#### 6.3.5.1 Appellant's Contention

The appellants contend the project is inconsistent with LCP provisions for preservation of visual resources. The appellants refer to specific LCP policies, which include Monterey County CIP Section 20.146.120 and Carmel Area LUP Section 2.2. The appellants make the following contentions with regard to visual resources provisions:

- 1) There is no evidence that the County has complied with on-site investigation requirements and restrictions for development within the viewshed.
- 2) The project may adversely affect the existing forested corridor along Highway 1.
- 3) The project "...would conflict with [visual resource] provisions by damaging existing scenic trees, removing hundreds of trees, including Monterey Pines, and other vegetation and [by] introducing structures and other features (such as retaining walls and sound walls) that are incompatible with the scenic corridor."
- 4) The project "...will diminish the overall scenic value of the corridor."

#### 6.3.5.2 Relevant LCP Policy

Visual resource policies provided in the Carmel Area LUP are intended to safeguard the coast's scenic beauty and natural appearance within the public viewshed of the Carmel area. Within the Carmel area, the term "viewshed" or "public viewshed" refers to the composite area visible from major public use areas as shown in Exhibit H. Relevant visual resource policies include the following:

*LUP Section 2.2.2. Key Policy. To protect the scenic resources of the Carmel area perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.*

*LUP Section 2.2.3.1. The design and siting of structures, whether residential, commercial, agricultural, or public, and the access roads thereto, shall not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed.*

*LUP Section 2.2.3.7. Structures shall be located and designed to minimize tree removal and grading for the building site and access road. Where earth movement would result in extensive slope disturbance or scarring visible from public viewing points and corridors, such activity will not be allowed. Extensive landform alteration shall not be permitted.*

*LUP Section 2.2.4.3. Residential, recreational and visitor-serving, and agricultural access shall be provided by existing roads and trails, where possible, to minimize further scarring of the landscape, particularly of the visible slopes.*

*LUP Section 2.2.4.6. The existing forested corridor along Highway 1 shall be maintained as a scenic resource and natural screen for existing and new development. New development along Highway 1 shall be sufficiently set back to preserve the forested corridor effect and minimize visual impact.*

*LUP Section 2.2.4.10.e. Existing trees and other native vegetation should be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is appropriate. All new landscaping must be compatible with the scenic character of the area and should retain existing shoreline and ocean views.*

*CIP Section 20.146.120. ... The Carmel River shall be considered the dividing line between the urban and rural areas of the Monterey Peninsula. The river shall provide the natural boundary between urban and higher intensity uses to the north and rural, lower intensity uses to the south....*

*CIP Section 20.146.120.3. Only land uses of a character, scale, or level consistent with the goal of preserving the coast's natural beauty and tranquillity will be permitted in the Carmel area. Types of uses considered inappropriate to the Carmel area and in conflict with the protection of the rural character and scenic and natural resources of the area are intensive recreational uses such as golf, cinemas, mechanized recreation other than non-motorized bicycling and scenic driving...*

### **6.3.5.3 County Actions**

Finding #1, (pg 3 of Resolution 00-23) notes that on-site inspections were conducted by the County planner on June 22, 1999 to evaluate the project's conformance with LCP policies within the Carmel Area of the Coastal Zone. The County determined that with the removal of Operational Improvement #9 (which required removal of 5 Coast live oak trees), the proposed development "... as conditioned is consistent with the plans, policies, standards and requirements of the Monterey County LCP." Additionally, Condition # 9 provides protection for existing trees during construction.

Design Approval was granted for Operational Improvements 7 and 8 by the Carmel Unincorporated Land Use Advisory Committee on July 6, 1999 with a vote of 5 approval, no denial, one abstention.

### **6.3.5.4 Analysis**

Operational Improvements 7 and 8 do not involve the removal of any existing trees or impacts to any forest resources, and therefore will not adversely impact the existing forested corridor along Highway 1, will not cause the removal of hundreds of trees, and will not diminish the overall scenic nature of the corridor within the project area. No sound walls are proposed for this project as Caltrans determined that sound walls would have a negative visual impact along the scenic corridor of Highway 1 in this area and would not be cost effective for the small noise reduction they would provide.

According to Section 20.146.120.3, bicycling and scenic driving are both considered appropriate land use activities consistent with the character, scale and level of use for the goal of preserving the natural beauty and tranquility of the Carmel area. As proposed, the project will continue to provide a four-foot wide paved shoulder and striping along the southbound lanes within the project area. The filling and grading of the roadside drainage ditch proposed in Operational Improvement 8 will also improve safety for southbound cyclists by removing the hazard the ditch creates along the right side of the road. The project has been designed to minimize impacts to the visual resources along Highway 1 in the Carmel area. All work for the project will be conducted within the existing State Highway right of way.

#### **6.3.5.5 Conclusions**

Commission finds that no substantial issue exists with regard to visual resources. The project as proposed and conditioned by the County will not change or diminish the visual resources of the Carmel area along the Highway 1 corridor, and so is in conformance with visual resource policies of the Monterey County LCP.

### **6.3.6 DEVELOPMENT IN ENVIRONMENTALLY SENSITIVE HABITAT AREAS**

#### **6.3.6.1 Appellant's Contention**

The appellants contend the project "...would result in the removal of hundreds of trees, including Monterey Pines" and so is inconsistent with LCP provisions for protection of environmentally sensitive habitat, including policies regarding cutting of trees, preservation of Monterey pine and other habitats.

#### **6.3.6.2 Relevant LCP Policy**

The key policy for environmentally sensitive habitats (described in LUP section 2.3.3), lists Monterey cypress and pine forests as sensitive plant communities. Forest resource management policies provided in the Carmel Area LUP are intended to protect and maintain Carmel's forest resources for recreation and aesthetic enjoyment, and for educational, scientific, watershed and habitat protection. In addition to the scenic and visual policies stated above, other relevant development standards for forest resources include the following:

*CIP Section 20.146.060 D.2. Removal of any trees which would result in the exposure of structures in the critical viewshed shall not be permitted ...*

#### **6.3.6.3 County Actions**

Finding # 1 (pg 2 of Resolution # 00-23) indicates that Operational Improvement 9, which included removal of 5 Coast live oak trees, was eliminated through the earlier Board of Supervisors appeal process. Therefore, the current project configuration, which includes Operational Improvements 7 and 8 only, is no longer associated with any tree removal.

Condition # 9 of Resolution 00-23 (pg 8) requires that the applicant protect native trees located close to the construction sites by wrapping trunks with protective materials and avoiding placement of fill of any type against the base of the trunks or above the tree's feeding zone or "dripline."

Condition #10 also requires additional mitigation measures to ensure that erosion and sedimentation from construction activities are prevented from occurring and from entering the stormwater discharge (see also section 6.3.7 below).

#### **6.3.6.4 Analysis**

The Carmel Area LUP has mapped the environmentally sensitive habitat areas within this segment of the Coastal Zone. According to the Carmel Area LUP, no environmentally sensitive areas are mapped within the project area (see Exhibit I). Based on the biotic survey conducted by Caltrans staff on March 7, 1996, vegetation in the project areas consists of ruderal grasses (wild oats) and herbaceous plants (*Genista* sp) along the roadside shoulders of southbound Highway 1. No special status animal or plant species were found at the project sites.

With the elimination of Operational Improvement #9 from the current CDP application, the current project does not require the removal of any existing Monterey pine tree and neither Operational Improvement 7 or 8 requires removal of any existing trees or shrubs. According to the cumulative impact section addendum, only minor trimming of existing vegetation may be required to facilitate construction activities.

#### **6.3.6.5 Conclusions**

Commission finds that no substantial issue exists with regard to environmentally sensitive habitat or forest resources. The project as proposed does not require the removal of any trees or impact on any other forest resources. As conditioned to provide additional protection of forest resources adjacent to the project, to prevent construction-related erosion or sedimentation impacts, the project conforms to policies of the Monterey County LCP intended to protect environmentally sensitive habitat and forest resources.

### **6.3.7 WATER AND MARINE RESOURCES AND FLOOD HAZARDS**

#### **6.3.7.1 Appellant's Contention**

The appellants contend that the project will increase runoff due to the paving required by the operational improvements, and that the project therefore has the potential to significantly impact water quality and flooding in the area due to the increased runoff from these areas.

#### **6.3.7.2 Relevant LCP Policy**

Section 2.4 of the Carmel Area LUP includes policies regarding water and marine resources. Section 2.7 includes policies regarding flood hazards. Relevant policies include the following:

*LUP Section 2.4.3.1. The effects of all new development proposals or intensification of land use activities or water uses on the natural character and values of the Carmel coast's streams will be specifically considered in all land use decisions...*

*LUP Section 2.4.3.2. New development including access roads shall be sited, designed and constructed to minimize runoff, erosion, and resulting sedimentation.*

*LUP Section 2.4.3.3. Point and non-point sources of pollution of... Carmel Bay [Areas of Special Biological Significance] ASBS's, coastal streams and the Carmel River Lagoon and Marsh shall be controlled and minimized.*

*LUP Section 2.4.4.C.1. All grading requiring a County permit which would occur on slopes steeper than 15 percent shall be restricted to the dry season of the year.*

*LUP Section 2.4.4.C.3. Sediment basins ...shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment and run-off waters. All sediment should be retained onsite.*

*LUP Section 2.4.4.C.5. Provisions shall be made to conduct, surface water to storm drains or suitable watercourses to prevent erosion. Onsite drainage devices shall be designed to accommodate increased run-off resulting from site modification. Where appropriate, on-site retention of stormwater should be required.*

*LUP Section 2.7.3.1. All development shall be sited and designed to minimize risk form geologic, flood, or fire hazards.*

#### **6.3.7.3 County Actions**

Condition # 10 of Resolution 00-23 (pg 8) requires that the applicant incorporate mitigation measures designed to prevent erosion and sedimentation from entering storm water discharge.

#### **6.3.7.4 Analysis**

The Carmel River is approximately 1.6 miles from the project site. Neither of the project sites are close to an existing stream or tributary to the Carmel River. According to the Initial Study, runoff in the vicinity of Operational Improvement 7 and 8 is currently collected in a small (approximately 2-foot deep) drainage channel located along the western side of Highway 1. Road widening associated the project will add 0.34 acres of impervious surface coverage, but will not significantly increase the amount of runoff generated from the roadway.

As designed, Operational Improvement 8 will redirect surface runoff on the west side of Highway 1 to a corrugated steel culvert. The culvert will be buried along the west side of Highway 1 for the length of the project and will discharge into the existing open roadside drainage south of Mesa Drive. The size of the culvert is designed to accommodate existing runoff and the minor amount of additional runoff that will be associated with the project. Since the project will not generate any additional traffic, the additional runoff that will be added by the project will not significantly increase water quality pollutant levels in the drainage and so will not impact Carmel River water quality.

Mitigation measures included in the project will minimize erosion and sedimentation associated with construction activities. Erosion and sedimentation resulting from construction activities will be prevented from entering storm water discharge, and Caltrans standard specifications for the project will require the contractor to develop a water pollution control plan to insure that erosion and sedimentation associated with the project will remain on site.

The project area for Operational Improvements 7 and 8 is not subject to flooding. The road

widening associated with operational improvements 7 and 8 will add an insignificant amount of impervious surface relative to the existing amount of impervious surfaces in the residentially developed area and so is not expected to increase the risk of flooding in the area.

#### **6.3.7.5 Conclusions**

Commission finds that no substantial issue exists with regard to water and marine resources and flooding. The project as proposed and conditioned includes adequate design and mitigation measures to protect water quality and marine resources, without increasing the risk of flooding in the area, and so conforms to the water quality and marine resources policies of the Monterey County LCP.

### **6.3.8 AIR QUALITY**

#### **6.3.8.1 Appellant's Contention**

The applicants contend that the project will add capacity for idling cars, especially south of Ocean Avenue, while doing nothing to improve the overall flow of traffic in the area. The applicants further contend that an increased number of cars stuck in stop-and-go traffic will enter the yards and homes of adjacent residents and add to the bad air emissions problem of the County.

#### **6.3.8.2 Relevant LCP Policy**

The Monterey County LCP does not have any regulatory policies specifically related to air quality.

#### **6.3.8.3 Conclusions**

The appellant's contentions regarding air quality concerns do not raise an issue with regard to LCP conformance since no specific air quality policies are included in the Monterey County LCP for the Carmel area. A discussion of air quality impacts associated with the project is included in the Initial Study and Caltrans response to the appeal (see Exhibit F). In general, air quality is expected to improve in the area due to the minor traffic flow improvements the project will provide that will reduce the occurrence of idling vehicles in the vicinity of the Ocean Avenue/Highway 1 intersection.

### **6.3.9 DETRIMENT TO THE COMMUNITY**

#### **6.3.9.1 Appellant's Contention**

The appellants contend that the Monterey County Planning Commission reviewed this application in 1998 and again in 1999 and twice denied the application, "...finding , among other things ... that these improvements were detrimental to the health, safety and general welfare of the area residents."

#### **6.3.9.2 Relevant LCP Policy**

The LCP notes that clean air, clean water, low noise level, and open space are all important factors

for the viability of the Carmel area. Additionally, the following policies relate to safety and traffic management associated with transportation projects on Highway 1:

*LUP Section 2.2.4.5. New roads or driveway will not be allowed to damage or intrude upon public views of open frontal slopes or-ridgelines visible from scenic routes and public viewpoints. To this end, new roads or driveways shall be designed to avoid steep slopes and to conform to the natural topography; they should be located along the margins of forested areas, where possible, or where existing vegetation provides natural screening and should be constructed to minimum County standards consistent with the requirements of fire safety and emergency use. Road or driveway construction shall not commence until the entire project has completed the permit and appeal process.*

*LUP Section 3.1.3.7. The number of private roads and recreational access road entrances off Highway 1 should be limited whenever possible for traffic safety and management purposes.*

### **6.3.9.3 County Actions**

The County's permit includes four conditions intended to minimize noise impacts and to manage vehicle traffic during project construction. Conditions # 4 and 5 (pg 7 and 8) require that the applicant implement the recommendations contained in the Traffic Mitigation Plan and establish a phone line in the Resident Engineer's office to receive and monitor any noise complaints. The applicant is also required to publicize the phone number and proposed construction schedules in advance and to provide signage at the project site indicating where people can call if they have any complaints regarding the project. Condition #6 (pg 8) describes parking requirements for contractors and construction workers, and limitations on lane closures for public traffic use during holidays. Conditions #7 requires that construction activities that have the potential to generate a substantial increase in short-term noise levels (e.g., jack hammers, concrete saws, and pneumatic equipment) will be limited to the time period between 8 A.M. and 5 P.M. Monday through Friday. Finally, Condition #8 requires all construction equipment to be fitted with appropriate noise reducing devices (i.e., mufflers).

### **6.3.9.4 Analysis**

The existing California State Highway 1 is a four-lane undivided highway between Carpenter Street and Ocean Avenue and narrows to a two-lane undivided highway between Ocean Avenue and Mesa Drive. Under the current lane configuration, traffic merges from two lanes to one lane approximately 1,200 feet south of Ocean Avenue. Under the proposed lane configuration for Operational Improvement #8, traffic would merge from two lanes to one lane approximately 230 feet (70 meters) south of Mesa Drive and so would provide additional space for merging traffic south of Ocean Avenue. While more vehicles can be stored in this area (waiting to merge into one lane south of Mesa Drive), this is intended to improve congestion at the Ocean Avenue intersection by allowing more southbound vehicles to pass through the intersection during each signal cycle.

Operational Improvement 8 will extend the southbound merge lane across approximately 9 driveways that currently enter directly onto Highway 1. Under existing conditions, the driveways that enter directly onto Highway 1 are generally narrow, being constrained to the north and south by a ditch for roadside drainage. As proposed, Operational Improvement 8 will include replacing the

ditch with an underground culvert and filling and grading the ditch to provide a broader, relatively level roadway. It is expected that this improvement will enhance safety for drivers entering or exiting driveways along the project limits (by creating entrances that have a standard width) and are will also enable these residents to merge into traffic on southbound Highway 1.

Extension of the southbound right turn pocket onto westbound Ocean Avenue (Imp. 7) is intended to improve the delineation of the existing turn lane and improve public safety by removing potential conflicts between vehicles and bicycle traffic. Under the current configuration, southbound vehicles turning right onto westbound Ocean Avenue drive along the shoulder section of the road when traffic backs up north of the signal. Under Operational Improvement 7, the proposed lane configuration will allow more storage area for vehicles making the right turn and will provide and delineate a four foot wide bike path on the shoulder.

According to the Initial Study, the major source of noise in the project area is and will continue to be vehicular noise from Highway 1 and Ocean Avenue. Ambient noise levels were studied in the project area in 1986 and were found to be at or above the Federal Highway Administration (FHWA) noise criterion level for residential areas of 67dBA. Under FHWA regulations, noise abatement measures are required in residential areas when exterior noise levels exceed the noise criteria level. Under existing conditions vehicular traffic on Highway 1 already exceeds the noise level criteria even without the proposed operational improvements.

According to Caltrans June 1999 cumulative impact section addendum, operational improvements 7 and 8 would move traffic 12 feet closer to existing residences adjacent to the southbound lanes of Highway 1 along the length of the proposed lane extensions (see Exhibit D), affecting approximately 9 residences. However, Caltrans has determined that the proposed project will only contribute 1dBA to the ambient noise level. Since an increase of less than 3dBA is perceptible to the human ear, the increase of 1dBA will not be a significant impact of the project.

Construction activities are expected to create short-term increases in the noise levels in the project area, but as conditioned have been limited to occur during weekday daytime hours and noise reduction measures are required for construction equipment.

#### **6.3.9.5 Conclusions**

Commission finds that no substantial issue exists with regard to noise or safety in the project area. With the proposed mitigation measures for short-term construction noise and traffic safety measures, the project has been designed and conditioned to conform to the policies of the Monterey County LCP designed to protect the general welfare of the public.

### **6.4 Substantial Issue Analysis – Conclusions**

In conclusion, the appeal does not raise a substantial issue in terms of compliance with the LCP ordinances related to public notification, environmental review, scenic road provisions, visual resources, forest resources, water and marine resources, air quality and community welfare. As conditioned, Resolution # 00-23 conforms with LCP policies and protects the natural resources of the Carmel area as required by the Monterey County Certified Local Coastal Policy and the Carmel Area Land Use Plan.



## 7. EXHIBITS